

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278*

August 29, 2024

**BY ECF**

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re:        *United States v. Matthew Queen*, 24 Cr. 291 (LAK)**

Dear Judge Kaplan:

The Government respectfully submits this letter to request that the Court direct that the defendant's August 29, 2024 motion be removed from the docket and re-filed. Specifically, the Government requests that the exhibits, which attach discovery and Jencks Act materials, be re-filed under seal, and that the defendant's quotation from such materials be redacted in the memorandum filed in support of the motion. (*See* Dkt. 31). The documents contained in these exhibits were initially produced to the defendant Attorney's Eyes Only and subsequently reproduced as Disclosure Material subject to the Protective Order entered by the Court on August 14, 2024. (Dkt. 27).<sup>1</sup>

Notwithstanding redactions made to these documents, they nonetheless contain material that has not been made public, including Jencks Act material produced far in advance of trial. Prior to filing his motion, the defendant made no attempt to meet and confer with the Government regarding the disclosure of the documents attached to his filing, including the sufficiency of the proposed redactions, as is required by the Protective Order. For all the reasons stated in the Government's motion for a Protective Order and reply letter in support thereof, the public dissemination of this material is improper and compromises the Government's ongoing investigation. (*See* Dkt. 17, 22). The public filing of this material as attachments to the defendant's motion to dismiss is in violation of the Protective Order, and the exhibits and quotation therefrom should be stricken from the public docket. Moreover, filing the exhibits under seal does not prejudice the defendant regarding his motion; the documents will nonetheless be before the Court. It merely prevents the defendant from attempting to cherry-pick evidence to selectively disclose to the public in advance of trial.

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<sup>1</sup> In preparing this submission, the Government observed that the Protective Order entered on the docket by the Court appears to be missing a page. This page is included in the Protective Order signed by defense counsel and submitted by the Government to the Court on August 13, 2024. (Dkt. 26).

The Government contacted defense counsel regarding the public filing earlier today, requesting that the documents be removed from the docket, but has not yet received a response.

Finally, the Government requests that the Court grant the Government until September 19, 2024 to respond to the defendant's motion.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By:

A handwritten signature in blue ink, appearing to read "M. Kelly", is written over a horizontal line.

Jacqueline Kelly  
Christy Slavik  
Assistant United States Attorney  
Southern District of New York  
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cc: Counsel of Record (via ECF)